

mm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,038	04/14/2000	Susumu Okada	32584	9156

116 7590 01/27/2005

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/550,038

Applicant(s)

OKADA ET AL.

Examiner

Kelly L. Jerabek

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): _____.
4. ☒ Newly proposed or amended claim(s) 1, 3, 4, and 10 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1, 3-11, 13 and 15-21.

Claim(s) objected to: _____.

Claim(s) rejected: 12 and 22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


TUAN HO
PRIMARY EXAMINER

KLJ

Continuation of 5. does NOT place the application in condition for allowance because: 1) Applicant's arguments (page 15) regarding claim 12 state that there is no teaching that the sequence in the Morgan reference is related to an arrangement of the cameras. The Examiner respectfully disagrees. Morgan states that the camera selection is determined by an algorithm that first identifies which camera or cameras can "see" the desired area (col. 6, lines 39-41). It is inherent that the algorithm must go through some sort of sequence in order to examine each of the cameras and determine which cameras can "see" the desired area. Since the arrangement of the cameras is fixed it can be seen that the sequence (for examining which cameras can "see" and object) is related to the arrangement of the cameras. Although this sequence may be be a "random sequence" or a "sequence based on speed optimization" as stated by the applicant, it is still a sequence. Therefore, since claim 12 states that a zoom scale is determined in a sequence in which the cameras are arranged (which may be any type of sequence), the Examiner is reading the Morgan reference on the claim.

2) Applicant's arguments (page 16) regarding claim 22 state that there is no teaching in the Morgan reference that images are displayed at respective scales, in a sequence in which the cameras are arranged. The applicant further alleges that the Morgan reference instead teaches using priority to determine a sequence which is different than using an arrangement to determine a sequence. The Examiner respectfully disagrees. Morgan states that the camera selection is determined by an algorithm that first identifies which camera or cameras can "see" the desired area (col. 6, lines 39-41). It is inherent that the algorithm must go through some sort of sequence in order to examine each of the cameras and determine which cameras can "see" the desired area. Since the arrangement of the cameras is fixed it can be seen that the sequence (for examining which cameras can "see" and object) is related to the arrangement of the cameras. Although this sequence may be be a "random sequence" or a "sequence based on speed optimization" as stated by the applicant, it is still a sequence. The Morgan reference then states that the camera views that can "see" the desired area are immediately routed to available video monitors (col. 6, lines 39-44). Therefore, it can be seen that choosing which cameras can "see" a desired area is based on a sequence relating to the arrangement of the cameras and displaying the camera views that can "see" the desired area is based on priority. Thus, since only the cameras that are determined to be able to "see" the desired area are displayed it can be seen that the display function is based on a sequence in which the cameras are arranged. Therefore, since claim 22 states that images captured by the cameras are displayed at respective scales in a sequence in which the cameras are arranged (which may be any type of sequence), the Examiner is reading the Morgan reference on the claim.